

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on May 3, 2016.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Police Chief Jeff Branson, Arts & Tourism Director Angelia Burgett, and City Clerk Susan O'Brien.

**CONSENT AGENDA**

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of corrected minutes of the Regular meeting April 19, 2016 and bills and payroll for the last half of April, 2016.

**Bills and Payroll for the last half of April, 2016**

	<b><u>General Fund</u></b>		
Payroll		\$	272,558.49
Bills		\$	<u>175,103.87</u>
	Total	\$	447,662.36
	<b><u>Hotel Tax Administration</u></b>		
Payroll		\$	2,839.11
Bills		\$	<u>10,758.96</u>
	Total	\$	13,598.07
	<b><u>Mobile Equipment Fund</u></b>		
Bills		\$	<u>28,789.00</u>
	Total	\$	28,789.00
	<b><u>Festival Mgt Fund</u></b>		
Bills		\$	<u>200.00</u>
	Total	\$	200.00
	<b><u>Insurance &amp; Tort Judgment</u></b>		
Bills		\$	<u>47,408.00</u>
	Total	\$	47,408.00
	<b><u>Capital Project Fund</u></b>		
Bills		\$	<u>91,660.01</u>
	Total	\$	91,660.01

	<b><u>Broadway East Bus Dist</u></b>		
Bills		\$	84,556.25
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	Total	\$	84,556.25
	<b><u>Water Fund</u></b>		
Payroll		\$	31,949.55
Bills		\$	11,497.98
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	Total	\$	43,447.53
	<b><u>Sewer Fund</u></b>		
Payroll		\$	42,613.64
Bills		\$	11,120.04
		<hr/>	
	Total	\$	53,733.68
	<b><u>Heath Insurance Fund</u></b>		
Bills		\$	176,384.31
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	Total	\$	176,384.31
	<b><u>Motor Fuel Tax Fund</u></b>		
Bills		\$	10,713.46
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	Total	\$	10,713.46

Mayor Gover opened the floor for questions/comments with no response.

Mayor Gover declared the motion to approve the consent agenda approved by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

### **PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

Mayor Gover opened the floor for Public comments or questions with no response.

Mayor Gover and Police Chief Jeff Branson commended Lt. Kepley's work and presented a retirement plaque to Lt. Gary Kepley, acknowledging his retirement after more than 20 years of service with the City.

### **NEW BUSINESS**

Commissioner Hall seconded by Commissioner Cox moved to adopt Ordinance No. 2016-5387, adopting the amendments to Section 33.065 of Chapter 33 in the code of ordinances to the update the procedures of the Mattoon Arts Council.

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## **CITY OF MATTOON, ILLINOIS ORDINANCE NO. 2016-5387**

### **AN ORDINANCE AMENDING CHAPTER 33 OF THE MUNICIPAL CODE REGARDING DEPARTMENTS, BOARDS AND COMMISSIONS**

**WHEREAS,** Section 33.065 of the Municipal Code of the City of Mattoon, Coles County, Illinois, provides regulations for the Mattoon Arts Council; and

**WHEREAS**, the Mattoon Arts Council's Board of Directors from time to time reviews and recommends changes be made to the regulations; and

**WHEREAS**, after careful consideration, the Mattoon Arts Council's Board of Directors and the City of Mattoon, Illinois, deems it to be in the best interests to have Section 33.065 amended by this ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Arts Council Regulations.** Section §33.065 of Chapter 33 of the Code of Ordinances of the City of Mattoon is hereby amended to read as follows:

**§ 33.065 ARTS COUNCIL REGULATIONS.**

(A) Purpose.

(1) Vision. The Mattoon Arts Council envisions a vibrant, creative community where arts activities are frequent and evident, where members of the community have opportunities to experience and engage in the arts directly and where arts activities are appreciated as an asset for the community and economic development.

(2) Mission. The Mattoon Arts Council supports, develops, facilitates and promotes high-quality, affordable arts programs and activities for people of all ages.

(3) Values.

(a) Our work must be done in collaboration with others to make the most of our assets as a small community.

(b) We define Art to include the widest possible interpretation of the language, visual and performing arts.

(c) The presence of Arts intrinsically enhances a community's quality of life.

(d) We especially value, seek out and support events that offer opportunities to educate.

(e) Engagement in artistic activities stimulates community creativity and attracts people to a community in ways that have long term social and economic benefits.

(B) Council Board of Directors.

(1) General powers. The affairs of the Mattoon Arts Council shall be managed by its Board of Directors.

(2) Membership. Directors of the Mattoon Arts Council are appointed by the Mayor of Mattoon with confirmation by the City Council from the nominations of the Mattoon Arts Council Board of Directors.

The Board will consist of 11 voting members, a majority of whom shall be residents of the City of Mattoon. The City Administrator, the City Council member overseeing the Arts Council and the Tourism Director will serve as ex officio (non-voting) members of the board.

(3) Terms. Length of term is two years. The terms of the board membership are staggered. Annual appointments by the Mattoon City Council take place in September. Directors are limited to three full terms. Past board directors may be re-appointed to an additional term after being off the board for a minimum period of one year. Term limits can be waived one time in a special circumstance by a 2/3 votes of the Board of Directors.

(4) Compensation. No director of the Mattoon Arts Council shall be compensated for the performance of services for the Council, but may, by resolution of the Council, be reimbursed for expenses incurred on behalf of the Council. No part of net earnings or other assets of the Council shall inure to the benefit of, or be distributable to its members, directors or any private persons.

(5) Responsibilities. Council Board directors are expected to be active in the management and activities of the Mattoon Arts Council. Council directors are expected to attend a minimum of 2/3 of all meetings, be actively involved in at least one committee and publicly support the arts and the Arts Council.

(a) The Mattoon Arts Council board members shall make final approval, by majority vote, of any expenditures greater than Five Hundred Dollars (\$500.00) from funds collected by donations, membership fees and other fundraising activities.

(b) Any expenditures greater than One Hundred Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00) shall be approved by any two of the four sitting Arts Council Officers.

(c) Any Expenditures less than One Hundred Dollars (\$100.00) shall be approved by the Tourism Director or the Arts Coordinator at the Director's discretion.

(d) Upon approval of expenditures as set forth herein above, the Commissioner of Accounts and Finance of the City of Mattoon shall prepare or shall direct the preparation of checks and distribute said checks for payment in a timely manner.

(6) Resignation. Any Council Board director may resign by submitting a letter of resignation to the Chairman.

(7) Removal. A Director who misses 50% of the meetings or three consecutive meetings during a one year period may be removed from the Board by the Chairman.

(8) Vacancies. For any vacancy on the Council Board, the Board Chairman will make the appointment, with approval by the board and the Mattoon City Council. A Director appointed to fill a vacancy shall serve for the unexpired term of his/her predecessor.

(9) Council advisers. The Chairman may invite members of the community to sit as council advisers, with the approval of the Council Board, on such terms as determined by the Council Board. Advisers will be welcomed to share knowledge and expertise that may assist Council Board in attaining the Mattoon

Arts Council's objectives. There shall be no fixed term or maximum number of council advisers. Council advisers shall not have voting privileges at Board meetings but may make recommendations to the Council Board.

(C) Officers.

(1) Officers. The officers of the Mattoon Arts Council shall be Chairman, Vice-Chairman, Secretary and Treasurer and other such officers as the Board may direct. No two offices may be held by the same person.

(2) Elections and terms of office. The officers shall be elected annually in October. The officers shall hold an office for a two year term. The board may grant up to two one-year extensions to an officer's term. A director may return to an office after one year.

(3) Removal. An officer elected or appointed by the Board of Directors may be removed by a 2/3 vote of the members of the Board of Directors.

(4) Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

(5) Chairman. The Chairman shall preside at all meetings of the Mattoon Arts Council and shall have general supervision over all business, affairs and activities of the Mattoon Arts Council. The Chairman shall appoint all standing committees.

(6) Vice Chairman. The Vice Chairman shall preside in the absence of the Chairman.

(7) Secretary. The Secretary shall be responsible for the usual duties including keeping minutes of all meetings, and other duties, from time to time, as assigned by the Chairman.

(8) Treasurer. The Treasurer shall be responsible for the usual duties including maintaining all financial accounts and records and presenting a financial report at each Board Meeting, and other duties, from time to time, as assigned by the Chairman.

(D) Meetings.

(1) Regular meetings. Meetings shall be held monthly. Time and location will be determined by the Council Board.

(2) Quorum. A quorum shall consist of a simple majority of all appointed voting Arts Council Directors. Routine business shall be transacted by a simple majority vote. If a quorum is present, the affirmative vote of a majority of those present at the meeting shall be the act of the Mattoon Arts Council. Each Director of the Mattoon Arts Council is entitled to cast one vote. There shall be no proxy voting. Whenever permissible, a Director may attend by telephone or web connection.

(3) Notice. Notice of Board meetings shall be given at least five days prior to the meeting. Each Director shall receive notice by regular mail, phone or email. The notice shall include the date, time and place of the meeting.

(4) Special meeting. Special meetings of the Directors may be called at any time by the Chairman, or by any three Directors. Notice of a special meeting of the Council Board shall be given five days prior to the meeting.

(5) Rules of order. Current Robert's Rules of Order shall govern the Mattoon Arts Council when not inconsistent with the by-laws of the Mattoon Arts Council or any other special rules of order the Council may adopt.

(6) Fiscal year. The fiscal year shall begin on the first day of May and end on the last day of April.

(E) Committees. The Mattoon Arts Council shall have the following Committees and such other committees as the council deems appropriate. Each committee shall choose a chair and may appoint community advisers to assist with committee activities.

(1) Governance Committee. Create and oversee structured mechanisms and tools that ensure competent management and high quality operations, guided by the objectives of our strategic plan.

(2) Program Committee. Provide compelling and coherent programming, competently offered, that provides value to our community and makes optimal use of our resources, guided by the objectives of our strategic plan.

(3) Development Committee. Provide or create increased fundraising efforts, for both the short term and long term financial operations of the Arts Council, guided by the objectives of our strategic plan.

(4) Nomination Committee. Annually accept nominations and prepare a slate of officers for the Board of Directors. Develop policies and procedures that it deems necessary to ensure the successful succession of the Council.

(F) Records and reports.

(1) Records. The Mattoon Arts Council shall maintain adequate and correct books, records and accounts of its operations. All such books, records and accounts shall be kept by the Secretary and/or Treasurer, and surrendered upon completion of their term of office. Accurate minutes shall be kept of the proceedings of the Board of Directors. A record of the names and addresses of each member of the Council shall be kept on file, and updated annually. Past records shall be kept permanently in files for future reference.

(2) Reports. All books and accounts of the Mattoon Arts Council shall be open to inspection by the members of the Board of Directors and subject to public inspection under the Illinois Freedom of Information Act. All committees are expected to give monthly reports of their activities or non-active time. Any event needs to provide a written report to the secretary of details including income, expenses and attendance. The calendar year shall be used for annual reporting to The Mattoon City Council during the month of January.

(3) Financial Reporting. The Commissioner of Accounts and Finance shall provide financial reporting and financial accounting in a manner consistent with the achievement of the stated Vision, Mission and Values of the Mattoon Arts Council. The Commissioner shall be charged with providing financial services including check writing responsibility; generating and circulating monthly financial

reports; segregating Arts Council funds; reviewing internal financial control; and providing a regular annual audit of financial records.

(G) Other.

(1) Conflict of interest. No Director of the Mattoon Arts Council shall use their position, or knowledge gained therefrom, in such a manner that a conflict between the organization and their personal interests arise. Each Council Director has a duty to place the interest of the Mattoon Arts Council foremost in dealings with the organization. If any Council Director has a personal interest in business or activity proposed, they are expected to fully disclose such interest. Any Director aware of a potential conflict should not be present for any discussion or vote in connection with the matter. Official minutes will reflect any abstaining votes.

(2) Political activism. The Mattoon Arts Council shall use neither its monies nor its name in furtherance of, nor engage in, political activity in support of any candidate for public office or issue for referendum. This shall not be construed to limit the exercising of the constitutional rights of any individual director.

(3) Non-discrimination. The Mattoon Arts Council will not discriminate against people on the basis of race, color, sex, religion, income, national origin, age, disability, sexual orientation, political affiliation or any other legally protected characteristic in any of its policies, recommendations or actions.

(4) Endowment. The Board of Directors shall have the power to accept gifts of money or securities from donors and to designate the gifts as an "endowment fund". The Mattoon Arts Council shall spend only the income from the interest generated by the endowment fund. The Board of Directors shall designate the institution for the deposit of funds.

(5) Amendments to by-laws. These by-laws may be amended or revised by the Board of Directors at any time, with 30 days prior notice of the amendment and a 2/3 vote of the board quorum present at a regular meeting of the Mattoon Arts Council. By-laws then will go to the Mattoon City Council for approval.

(Ord. 2014-5371, passed 11-4-2014)

**Cross-reference:**

Commissioner of Public Health and Safety to have charge and supervision of Arts Council, see § 33.055 (C)

**Section 3. Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

**Section 4.** This ordinance shall be effective upon its publication and approval as provided by law.

The Clerk is hereby directed to publish this Ordinance in pamphlet form.

**Section 5.** All ordinances or parts thereof in conflict herewith are hereby repealed, and this Ordinance shall be in full force and effect forthwith upon adoption.

Upon motion by Commissioner Hall, seconded by Commissioner Cox, adopted this 3rd day of May, 2016, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover  
NAYS (Names): None  
ABSENT (Names): None

Approved this 3rd day of May, 2016.

/s/ Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/Janett S. Winter-Black  
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on May 3, 2016.

Mayor Gover opened the floor for questions/comments with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2016-1678, ratifying the promotion of Sgt. Travis S. Easton to the position of Lieutenant in the Police Department, effective May 14, 2016.

Mayor Gover opened the floor for questions/comments. Chief Branson acknowledged Sgt. Easton and Officer Hurst in attendance and provided accolades to both who lead by example. Mayor Gover offered praise to both.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2016-1679, ratifying the promotion of Officer Ryan W. Hurst to a Sergeant position in the Police Department effective May 14, 2016.

Mayor Gover opened the floor for questions/comments. Mayor Gover asked Officer Hurst to introduce his family members in attendance. Sgt. Easton's family was out of town.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Owen seconded by Commissioner Hall moved to approve Council Decision Request 2016-1680, approving an interfund loan in the amount of \$40,000 from the General Fund to the Mattoon Public Library.

Mayor Gover opened the floor for questions/comments with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2016-1681, awarding the bid in the amount of \$729,797.82 from AJ Walker for the reconstruction of Marshall Avenue from 6<sup>th</sup> Street to 9<sup>th</sup> Street.

Mayor Gover opened the floor for questions/comments with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to adopt Resolution No. 2016-2963, appropriating \$300,000 of Motor Fuel Tax Funds for the pavement removal and replacement of Marshall Avenue from 6<sup>th</sup> Street to 9<sup>th</sup> Street as well as the storm sewer, curb, gutter, sidewalk and driveway repairs. [14-00266-00-PV]



**Resolution for Improvement by Municipality Under the Illinois**

BE IT RESOLVED, by the City Council of the City of Mattoon Illinois  
City, Town or Village  
Council or President and Board of Trustees

that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Marshall Avenue	FAU-7676	6 <sup>th</sup> Street	9 <sup>th</sup> Street


BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Pavement removal and replacement on Marshall Avenue  
 From 6<sup>th</sup> Street to 9<sup>th</sup> Street in Mattoon, Illinois Project also includes storm sewer, curb & gutter, sidewalk  
 Repairs, and driveways

\_\_\_\_\_ and shall be constructed 30'-0" face to face \_\_\_\_\_ wide  
 and be designated as Section 14-00266-00-PV

2. That there is hereby appropriated the (additional  Yes  No) sum of Three Hundred Thousand  
 \_\_\_\_\_ Dollars ( \$300,000.00 ) for the  
 improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract \_\_\_\_\_ ; and,  
Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved
Date
Department of Transportation
Regional Engineer

I, Susan O'Brien Clerk in and for the  
City of Mattoon  
City, Town or Village  
 County of Coles , hereby certify the  
 foregoing to be a true, perfect and complete copy of a resolution adopted  
 by the City Council  
Council or President and Board of Trustees  
 at a meeting on May 3, 2016  
Date  
 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this  
3rd day of May, 2016  
 (SEAL) /s/ Susan J. O'Brien  
City Clerk

Mayor opened the floor for questions/comments/ discussion with no response. Commissioner Hall inquired as to the estimated duration of the project with Director Barber stating the street replacement needed to be complete by the start of school and the sidewalks and driveway repairs should be complete by the end of September.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2016-1682, approving a \$2,293 grant by the Tourism Advisory Committee from hotel/motel tax funds to the EIU Kinesiology Department for hosting IHSA Girls Badminton State Tourney to be held May 13-14, 2016; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments/ discussion. Commissioner Hall noted that everyone who attends this tournament is from out of town and stays in our hotels. Mayor Gover added potential students of EIU could be involved with the tournament as well.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2016-1683, approving a \$4,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the EIU Athletics & IHSA for supporting the IHSA Girls and Boys Track and Field State Meets to be held May 19-21 and May 26-28, 2016 respectively; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments/ discussion.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

#### DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT discussed his and the Mayor's interview with Charleston's Mayor and Manager on EIU-TV, contact with different developers, and a busy community development department. Mayor Gover opened the floor for questions. Commissioner Cox inquired about the Dial-a-Ride stop at Remington Road and Dettro Drive. Administrator Gill stated he needed to contact them.

CITY ATTORNEY had nothing to report. Mayor Gover opened the floor for questions with no response.

CITY CLERK had nothing new to report. Mayor Gover opened the floor for questions with no response.

FINANCE noted closing out FY16, audit preparation, and property tax distributions expected around the first of July per the County Treasurer. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on Broadway Improvement Grant and its progress to the Federal level. Mayor Gover opened the floor for questions with no response.

FIRE Commissioner Hall described the various activities the Fire Department had conducted. Mayor Gover opened the floor for questions with no response.

POLICE acknowledged Officer Hurst's return to active duty after an altercation with criminal, and Captain Tim St. John's upcoming attendance at the FBI Academy. Mayor Gover and Chief Branson reviewed other attendees.

ARTS AND TOURISM updated Council on Bagelfest and 4<sup>th</sup> of July preparation and activities, and Lone Elm Room Arts Council activities. Mayor Gover opened the floor for questions with no response.

#### COMMENTS BY THE COUNCIL

Commissioners Cox, Graven, Hall, and Owen had no further comments.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 6:54 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/ Susan J. O'Brien  
City Clerk